

It is the intent that previous ordinances of Sandy City, Utah, specifically Ordinance 80-19, Ordinance 83-18 and all other ordinances of Sandy City, Utah that relate to storm drainage are hereby repealed and replaced with a revised Title 17, such title to read as follows:

TITLE 17

STORM WATER ORDINANCE

Chapter 1 – Illicit Discharge and Erosion Control

17-1-1 – Purpose

The purpose of this ordinance is to protect the health, safety and welfare of Sandy City, its inhabitants, and downstream entities through the improvement of the storm drain portion of the City's storm water system by managing and controlling storm water runoff, protecting property, preventing polluted water from entering the City's storm water system and other receiving waters to the maximum extent practicable as required by federal and state law. The objectives of this ordinance are:

- (A) To minimize entrance of pollutants to the City's storm drain system;
- (B) To prohibit illicit connections and discharges to the City storm drain system;
- (C) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;
- (D) To minimize increases in non-point source pollution caused by storm water runoff from development, this would otherwise degrade local water quality;
- (E) To reduce the amount of storm water runoff, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
- (F) To establish a viable and fair method of financing the construction, management, operation and maintenance of the storm drain system;
- (G) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance; and
- (H) To establish a penalty procedure for violation(s) of this ordinance.

17-1-2 – Definitions

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agent: The City Public Utilities Director (Director) and/or any individual designated by the Director or the provisions of this ordinance, as an Authorized Enforcement Agent designated to enforce this ordinance.

Best Management Practices (BMPs): Includes schedules of activities, practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City: Means Sandy City, Salt Lake County, Utah with associated jurisdiction.

Clean Water Act: The federal Water Pollution Control Act enacted by Public Law 92–500 as amended by Public Laws 95–217, 95–576, 96–483, and 97–117, enacted at 33 U.S.C. § 1251 et seq., and any subsequent amendments thereto.

Construction Activity: Activities subject to the National Pollutant Discharge Elimination System (NPDES) Construction Permits. These include construction projects resulting in land disturbance of one acre or more, or will disturb less than one acre but are part of a larger common plan of development. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Conveyance System: Any channel or pipe for collecting and directing the storm water.

Culvert: A covered channel or pipe that directs water flow below the ground surface.

Degradation: (Biological or Chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

Detention: Storm water detention is temporary storage of a storm water runoff volume for subsequent release. Examples include detention basins as well as temporary detention in parking lots, depressed grassy areas, etc.

Detention Basin: A depression to detain or slow down the flow of storm water until downstream facilities have sufficient flow capacity to handle the flow. A detention basin consists of an inlet, an outlet, the storage basin itself, and piping between. The intent of the design of the basin and its improvements are that it is to be designed and improved in such a way as to be an asset to the neighborhood and community.

Development: Any man-made change to the land, including but not limited to, site preparation, landscaping, filling, grading, paving, excavation, and construction of building(s) or other structures.

Discharge: The release of storm water or other substance from a conveyance system or storage container.

Disturb: To alter the physical condition, natural terrain, or vegetation of land by clearing, grubbing, excavating, filling, building, or other construction activity.

Drainage: Refers to the collection, conveyance, containment, and/or discharge of surface and storm water run-off.

Equivalent Residential Unit (ERU) shall mean a configuration of development, or impervious surfaces on a parcel, contributing runoff to the city's stormwater system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. A single-family residential parcel has been determined to contain an average of two thousand eight hundred and sixteen (2,816) square feet of impervious surface. One ERU is equal to 2,816 square feet of impervious surface area.

Erosion: The wearing away of land surface by wind, water, ice, gravity, or mechanical processes, including vehicular traffic. Erosion occurs naturally from weather or runoff but can be intensified by land clearing

practices related to farming, residential or industrial development, road building, clearing of vegetation, or recreational activities including OHV use, hiking, equestrian, etc.

Fill: A deposit of earth material placed by artificial means.

Grading: The cutting and/or filling of the land surface to a desired slope or elevation.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except discharges from fire fighting activities and other discharges exempted in this ordinance.

Illicit Connection: Any physical connection to a publicly maintained storm drain system allowing discharge of non-storm water which has not been permitted by the public entity responsible for the operation and maintenance of the system.

Infiltration: The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

Inlet: An entrance into a ditch, culvert, storm drain, or other waterway.

Mulch: A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Non-point Source: Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.

NPDES (National Pollutant Discharge Elimination System): EPA's program to control the discharge of pollutants to waters of the United States.

NPDES Permit: An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

On-site: The entire property that includes the proposed development.

Point Source: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, platform, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Plat: A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

Pollutant: Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Public Utilities Department: Shall be the Sandy City Public Utilities Department.

Receiving Waters: Bodies of water or surface water systems that receive water from upstream constructed (or natural) systems.

Retention: The holding of run-off in a basin without release except by means of evaporation, infiltration, or emergency bypass.

Riparian: A relatively narrow strip of land that borders a stream or river.

Runoff: That part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.

Source Control: A practice or structural measure to prevent pollutants from entering storm water runoff or other environmental media.

State Construction Storm Water Permit: A State required permit issued by the Utah State Division of Water Quality to any person or business that intends to disturb more than one acre of property.

Storm Drain Inlet: A slotted opening leading to an underground pipe or open ditch for carrying surface runoff.

Storm Drain System: A system of surface and underground conveyance, consisting of curb and gutter, street surface, inlet and clean-out boxes, piping, open channels and detention basins, ditches, channels, storm drains, retention basins, owned and operated by the City or private owners, which is designed and used to convey or collect storm water.

Storm Water: Rainfall runoff, snow melt runoff, and drainage. It excludes infiltration.

Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters. This plan must be prepared prior to obtaining a general state construction storm water permit.

Street: Shall mean the entire area of the right-of-way, whether public or private, including curb, gutter, sidewalk, drive approaches, park strips, and surface area.

Waters of the United States: Surface watercourses and water bodies as defined in Title 40 Part 122.2 of Code of Federal Regulation (CFR) including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

Wetlands: An area that is regularly saturated by surface or ground water and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include, but are not limited to, swamps, bogs, marshes, and estuaries.

17-1-3 – Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an Authorized Enforcement Agent.

17-1-4– Responsibility of administration

Except as otherwise provided herein, the Public Utilities Department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Authorized Enforcement

Agent may be delegated by the Director of Public Utilities to persons or entities acting in the beneficial interest of or in the employ of the Department.

17-1-5 Ultimate responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

17-1-6 Prohibitions

(A) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway for the travel of the general public.

(B) No vehicle loaded with garbage, waste paper, ashes, refuse, trash, rubbish, waste, lawn cuttings, tree limbs, wire, paper, cartons, boxes, glass, solid waste, scrap metal, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street or other public place.

(C) No person shall operate any vehicle so as to track or drop mud, stones, dirt, concrete, gravel or other similar material onto public streets. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street or other public place to immediately remove the same or cause it to be removed. It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved surface public right of way.

(D) No person shall discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities or designated areas. Dumping of excess concrete shall not be allowed.

(E) No person shall stockpile construction or yard improvement materials or debris in the street or in the gutter unless it is part of the City approved clean-up program, or unless it is being stored in a self-contained storage unit that has been pre-approved by the Public Utilities Department. This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution to the storm water system. An exception to this prohibition must be expressly granted to the applicant in the approved SWPPP. All other persons or entities, where a SWPPP is not required, desiring to create a temporary ramp for construction, landscape, or other purposes, may use a gravel ramp of one inch (1") gravel or larger, in combination with a mechanism approved by the City Engineer for seeing that the gravel does not enter into the City's storm drain system. The ramp shall be removed immediately after the development activity ceases or upon notice from the City to do so, whichever occurs first.

17-1-7 Illicit Discharges

No person shall discharge or cause to be discharged into the City storm drain system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards other than storm water.

(A) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) Water line flushing or other potable water sources;
- (2) Landscape irrigation or lawn watering;
- (3) Diverted stream flows;
- (4) Rising ground water;
- (5) Ground water infiltration to storm drains;
- (6) Uncontaminated pumped ground water;
- (7) Foundation or footing drains (not connected to floor drains);
- (8) Crawl space sump pumps;
- (9) Air conditioning condensation;
- (10) Springs;
- (11) Non-commercial washing of vehicles;
- (12) Natural riparian habitat or wetland flows;
- (13) Swimming pools (if de-chlorinated _ typically less than one PPM chlorine);
- (14) Fire fighting activities, and any other water source not containing pollutants; and
- (15) Discharges specified in writing by the Authorized Enforcement Agent as being necessary to protect public health and safety.

(B) Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Agent prior to the time of the test.

(C) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(D) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the City's storm drainage system.

17-1-8 Erosion control on construction sites

(A) Permits Required

The following permits shall be required, if applicable.

- (1) State Construction Storm Water Permit – Any person or business responsible for disturbing one acre or more of ground, or will disturb less than one acre but is part of a larger plan of development, shall obtain a State Construction Storm Water permit from the Utah Division of Water Quality. The permit can be obtained from the Internet at: <http://waterquality.utah.gov/updes/stormwater.htm>. The appropriate fee must be paid to the state. A SWPPP must be prepared and kept on the construction site for this application. The SWPPP will include any and all maintenance easements required to

access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. The SWPPP shall also include provisions allowing for access and inspections on a reasonable basis. Where required by the City, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. All pollution prevention plans must include at least 3 BMP's and must be approved by the Sandy City Public Utilities Department and must meet the requirements set forth in the "Sandy City Standard Specifications and Details for Municipal Construction". A copy of the permit must be submitted to the City prior to the pre-construction meeting for the proposed development. Any appropriate fees must be paid.

(2) Stream Alteration Permit. A Stream Alteration Permit is filed with the State Department of Natural Resources, Division of Water Rights. This permit overlaps the 404 wetlands permit because it is applicable to the area equal to the stream plus two times the bank full width up to 30 feet. Any modifications to the stream or banks within this area must comply with the Stream Alteration Permit. A copy of the permit must be submitted to the City prior to the pre-construction meeting for the proposed development. Any appropriate fees must be paid.

(3) EPA 404 Wetlands Permit. This permit is filed with the US Army Corp of Engineers. It is applicable for all wetlands within a development. This will apply to all wetlands depending upon the presence of water, soil type, and vegetation as determined in a Wetlands Delineation Report. All "waters of the US" are affected to the normal high water mark. No fee is typically required for this permit. A letter of non-regulated wetlands may be applicable. Any mitigation that may be required must be done prior to recording a Final Plat. A copy of the permit must be submitted to the City prior to the pre-construction meeting for the proposed development. Any appropriate fees must be paid.

(B) Exemptions: A State Construction Storm Water Permit is not required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(C) Application Review Fees: The fee for review of the SWPPP shall be established by the Sandy City Council in the City's Consolidated Fee Schedule. The fees shall be paid prior to the issuance of any building permit or construction activity for the development.

(D) Waivers for Providing SWPPP: Every development shall provide for a SWPPP as required by this ordinance, unless a waiver is obtained following a written request being filed to waive this requirement. Requests to waive the SWPPP requirements shall be submitted to the Public Utilities Department for approval.

(1) The minimum requirements for SWPPP may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

(b) Alternative minimum requirements for on-site management of storm water discharges have been established in a SWPPP that has been approved by the Public Utilities Department and the implementation of the plan is required by local ordinance.

(c) The Public Utilities Department finds that meeting the minimum on-site pollution prevention plans are not feasible due to the natural or existing physical characteristics of a site.

(d) Non-structural practices will be used on the site that reduces:

- (i) The generation of storm water from the site;
- (ii) The size and cost of storm water storage; and
- (iii) The pollutants generated at the site.

(2) In instances where one of the conditions above applies, the Public Utilities Department may grant a waiver from compliance with these SWPPPs, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Public Utilities Department that the variance will not result in the following impacts to downstream waterways:

- (a) Deterioration of existing storm drains, culverts, bridges, dams, and other structures;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated stream bank or streambed erosion or siltation;
- (d) Increased threat of flood damage to public health, life, and property.

(E) Storm Water Pollution Prevention Plan (SWPPP):

(1) A SWPPP shall be required with all development applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this planning process is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future development. The SWPPP shall be prepared in accordance with the requirements of the "Sandy City Standard Specifications and Details for Municipal Construction" manual available on line or at the Engineering Division of the Public Utilities Department.

(2) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the storm water management plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

(F) Review and Approval: The Public Utilities Department will review each SWPPP to determine its conformance with the provisions of this regulation. Within 14 working days after receiving the plans, the Public Utilities Engineering Department shall, in writing:

- (1) Approve the SWPPP;
- (2) Approve the SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue approval subject to these conditions; or
- (3) Disapprove the SWPPP, indicating the reason(s) and procedure for submitting a revised plan and/or submission.

(G) Inspection: Field inspections shall primarily be conducted by the Sandy City Public Utilities Inspectors. However, additional inspections may be conducted by the City Public Works Inspectors, the City Building Inspectors, the City Ordinance Enforcement Officer or other designated agents as appointed by the Public Utilities Department.

(H) As Built Plans: All applicants are required to submit actual "as built" plans for any storm water management practices facility located on-site after final construction is completed that are not consistent with the original approved plans. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the Public Utilities Department is required before the release of any performance securities can occur.

(I) SWPPP Compliance: All storm water treatment practices shall comply with the approved SWPPP to ensure the system functions as designed. If a responsible party fails or refuses to meet the requirements of the SWPPP, the Public Utilities Department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the Public Utilities Department shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Public Utilities Department may cause the work to be done and assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county assessor.

17-1-9 Notification of illicit discharge

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Sandy City Public Utilities Department, 10000 Centennial Parkway, Sandy, UT 84070 within three business days of the phone notice.

17-1-10 Enforcement, violation and penalties

(A) Stop-Work Order; Revocation of Permit: In the event that any person or any holder of a State issued Construction Storm Water permit pursuant to this ordinance, violates the terms of the permit, any provision of this ordinance, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Utilities Department may issue a stop work order, such that no further work on the development shall be performed or approved, until otherwise authorized by the Public Utilities Department.

(B) Violation and Penalties: In addition to the above, the City may avail itself of any of the following non-exclusive remedies to enforce this Chapter:

(1) Notice and Order. Whenever the Public Utilities Department finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Public Utilities Department may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs;
- (f) The implementation of source control or treatment BMPs; and
- (g) The immediate removal of mud, dirt, or debris left by any vehicle on a street within the City that drains into the City's storm drain system.

(2) Nuisance Abatement. The violation of Subsection (B)(1)(g) above, may also be declared and treated as a nuisance and enforced by one of the City's Inspectors or Code Enforcement Officers. Each day of violation shall constitute a separate offense.

(3) Criminal Penalties. Any person knowingly, recklessly, or intentionally violating the provisions of 17-1-6, 17-1-7, 17-1-8, or 17-1-9 of this Chapter shall be deemed guilty of a Class B misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. City employees in the performance of their assigned duties and responsibilities shall be exempted from any Criminal Penalty violation.

(4) Responsibility. For the purpose of this Chapter, the following persons or entities shall be considered responsible for leaving mud, dirt, or debris on a street within the City:

- (a) Driver. The driver of the vehicle leaving the mud, dirt, or debris; and
- (b) General Contractor. The General Contractor or owner in charge of the job site from which the mud, dirt, or debris comes.

(5) Other Penalties and Remedies.

(a) State penalties: Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA.

(b) Other remedies: In addition to the remedies listed above for a violation of this Chapter, the City shall have the right to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a twenty-five percent (25%) penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.

17-1-11 Bond

Each applicant shall post a bond at the time any permit for development or construction is issued for the purpose of ensuring compliance with the conditions of this Chapter. The bonded amount shall be determined by the City department issuing the permit and may be included in the calculation of any payment, improvements, or repair bond already required as a condition of permit approval, or as a separate bond.

17-1-12 Appeals

Any person or entity that believes that any provision of this Chapter was interpreted or applied erroneously may appeal to the Public Utilities Director ("Director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) working days of the decision, action, or bill being appealed. The Director may elect to hold a hearing on the appeal. The Director shall decide the appeal within ten (10) working days of when the appeal is filed. If the person or entity is not satisfied with the Director's decision, a further appeal may be made to the Chief Administrative Officer (or his or her designee). The appeal to the Chief Administrative Officer shall follow the same procedure as the appeal to the Director. The Chief Administrative Officer's decision shall be final and binding on all parties.

Chapter 2 Storm Water Rates and Charges

17-2-1 - Purpose

The purpose of this chapter of the storm water ordinance is to:

(A) Provide and maintain fair, equitable and nondiscriminatory rates and charges for a storm water system and related services which will generate sufficient revenues for operating, improving and maintaining the storm water system at a level commensurate with storm water management needs. The rates and charges previously set shall be modified, when necessary, by considering needed revenues, the amount of impervious surface on developed parcels and the respective storm water runoff characteristics of the parcel, and apply said rates and charges consistently for the same class of customers; and,

(B) Establish a policy whereby present and future rates and charges for this service should be fixed with consideration of the difference in cost fairly allocated to the various customers based upon such factors as: the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the storm water system; the quantity of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the storm water system in a manner that protects the public health, safety and welfare.

17-2-2 - Storm Water Utility Created

Ordinance 80-19 "Storm Sewer Drainage Utility" was adopted by Sandy City in 1998 and formed the Storm Sewer Drainage Utility ("Utility"). The Utility is herein modified and made a part of this Storm Water Ordinance and shall be known from this day forward as the Sandy City Storm Water Rates and Charges Ordinance.

17-2-3 - Ownership of City Storm Water Facilities and Assets

All of the City's storm water collection system and storm water facilities and structures (collectively AStorm Water Facilities@) have been transferred to and made a part of the Storm Water System. The Storm Water System shall operate, maintain and improve all city storm water facilities used for the conveyance of storm water, through, under or over lands, watercourses, beginning at a point where storm water first enters the storm water system of the city and ending in each instance at a point where the storm water exits from the system. Governmentally owned streets, and storm water facilities operated and maintained by, or for, the state or county shall not be deemed storm water facilities.

17-2-4 - System of Rates and Charges

(A) Service fees imposed. The City will by resolution of the City Council and upon recommendation of the Public Utilities Advisory Board, impose storm water fee rates and charges on each parcel of real property within the City except governmentally-owned streets and storm water facilities operated and maintained by, or for, Salt Lake County or the State of Utah. The charges shall fund the administration, planning design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(B) Method of determining contribution of storm water:

- (1) Contributions of stormwater from non-residential parcels and residential parcels larger than duplexes have been ascertained through aerial photography B by evaluating land surface and measuring the amount of impervious surface.
- (2) Contributions of storm water from residential parcels up to and including duplexes have been ascertained to be 2,816 square feet, or 1 ERU, by random sampling the amount of residential impervious areas.

(C) Method of determining service fee rates:

Storm water service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and County storm water facilities. Service fees shall be established by resolution of the City Council and shall be differentiated according to the following classifications:

- (1) Residential parcels: Single-family residential and duplex parcels shall constitute one ERU per month.
- (2) Undeveloped parcels: Any parcel that has not been altered by grading, filling or construction and which has less than 5% impervious surface shall have no charges assessed.
- (3) Other parcels: Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 2,816 (one ERU), rounded to the nearest whole number.
- (4) Credit for on-parcel mitigation: Non-residential parcels with mitigating storm water facilities, e.g. approved on-site detention/retention of storm water, approved discharge of storm water through a sewer connection or other approved and complete on-site detention methods that meet the City=s design and maintenance standards may be eligible for a service fee credit. The parcel=s owner or agent must make application for this credit to the Director. The amount of credit is based on the following formula.

$$P = 30 + 70 (Q_r/Q_p)$$

Formula symbols have the following meaning:

P = Percentage of storm drainage fees to be applied to the parcel

30 =Percentage representing Utility=s fixed operation and maintenance costs

70 = Percentage representing costs for Utility=s capital improvement program

Q_r =Restricted storm water discharge from a parcel

Q_p =Peak storm water discharge from the same parcel that would result if the mitigating facilities were not in place. The Director may, if requested, provide a complete on-site mitigation evaluation at the expense of the parcel=s owner or authorized agent.

- (5) Credit for regional storm water mitigation: Non-residential parcels with mitigating storm water facilities, that serve the City=s regional storm water needs as prescribed by the storm water master plan and utilizing methods that meet the City=s design and maintenance standards, may be eligible for a service fee credit. The credit may be granted if property owners have not already been compensated for or agreed to construct the facilities as part of the development process. The parcel=s owner or agent must make application for this credit to the Director. If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the appealed billing, and will be reflected on the next billing thirty days after appeal is granted.
- (6) Low income relief: A single family residential parcel owner, who qualifies for the City=s low income relief, as determined by resolution of the City Council and set forth in the fee schedule, may also be eligible for a reduction in the service charge for their parcel.

17-2-5 - Billing and collection

(A) Storm Water System Special Revenue Fund B The original Storm Sewer Drainage Ordinance created the Storm Sewer Drainage Fund. This ordinance maintains the purpose and intent of the original ordinance and continues the Special Revenue fund, which shall now be known as the Storm Water System Fund (a Special Revenue fund). All revenues received from storm drainage user fees shall be placed in the Special Revenue fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all storm water funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(B) Billing B The City shall bill property owners for storm water services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers.

(C) Collection B Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action. Pursuant to 10-8-38 Utah Code Ann., the City may cause the water service to the property to be shut off for failure to pay for the storm water service furnished, as set forth on the billing.

17-2-6 - Appeal of charges

Any customer who disagrees with the storm water system user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee and may approve or disapprove an adjustment. In all cases the Director=s decision shall be final, unless appealed.

An appeal of a Director=s decision must be filed in writing with the Mayor within thirty (30) days after the customer receives notice by certified mail of the Director=s decision. Decision of the Mayor shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.